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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,903	07/17/2003	Patrick D. Goodrich	1699P2682	2131

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SCOTTSDALE, AZ 85251

EXAMINER

DESCHERE, ANDREW M

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,903

Applicant(s)

GOODRICH, PATRICK D.

Examiner

Andrew M. Deschere

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: on page 8, line 13 of the specification, switch 106 is referred to in Figure 3. Examiner suggests that Figure 4 was intended, as element 106 does not appear in Figure 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the switching device" in line 10. There is insufficient antecedent basis for this limitation in the claim. "A switching device" is not detailed until line 17. Claims 7 and 11 are rejected similarly.

Claim 1 recites the limitation "at least one outlet jack is a switched outlet jack and at least one outlet jack is an unswitched outlet jack", disclosing that there may exist a plurality of switched outlet jacks and unswitched outlet jacks. However, the remainder of the claim and its depending claims refer to, singularly, "the switched outlet jack". This change in language raises issues as the scope of the claims. It is unclear whether only a single switched outlet jack exists or whether a multitude of switched outlet jacks may exist.

Art Unit: 2836

Claim 1, lines 17-19, states, "to control which receptacle of the switched electrical receptacle is a switched outlet receptacle." Applicant has failed to distinguish how a "parent" switched electrical receptacle contains multiple "child" receptacles, including a switched outlet receptacle. Claims 7 and 11 contain similar language.

Claims 4, 5, 7, 9, and 14 recite the limitation "the switched outlet". The antecedent basis for this limitation is unclear, as to whether it refers to the "switched outlet jack" or the "switched outlet receptacle".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patents 3,496,379 ("Platzer") 5,137,473 ("Nickola").

Platzer discloses a switched outlet module (Figures 1 and 2) with a switched jack (68, 70 in Figure 1; 176, 178 in Figure 2) and an unswitched jack (118, 120 in Figure 1; 182, 184 in Figure 2). A remote switch (Figure 1, 88) is coupled to the switched jack (line 90) and a lamp assembly (44). A relay (91) energizes and deenergizes according to the positions of a wall switch (38) and the remote switch. Two pairs of male blades (156, 158, 160, and 162 in Figure 2) connect the module to a switched electrical outlet (140).

However, Platzer does not disclose that circuitry monitors and limits current, nor that a switching device may be used to set which wall outlet is switched, in case a wall outlet has the top plug unswitched and the bottom plug switched.

With respect to the requirement for a switching device to inform the module as to which wall outlet is switched, it would have been obvious to simply rotate the invention of Platzer and insert it upside-down, so that the relay is correctly in line with the switched wall outlet.

With respect to the limiting of current, Nickola discloses a fused protection device that may be used in an ordinary electric outlet. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fuse in the invention of Platzer to enhance the safety of the system by providing a limited current available at the outlet. According to Nickola, "There are usually a number of electrical outlets connected to a single circuit and each electrical outlet can individually become overloaded to a dangerous extent without overloading the entire circuit" (column 2, lines 50-54).

Claims 3 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Nickola, and United States Patent 3,246,179 ("Berner").

A combination of Platzer and Nickola yields a switched outlet module with current limitation, but does not provide a three-pole, double throw switch to control the module's setting of which wall outlet is switched. Berner discloses a double throw switch that allows an electrical device to be "selectively connected directly to electrical power or...through a separate switch externally located..." (column 1, lines 34-40). Berner's switch may have three poles (Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the switch of Berner in the combination of Platzer and Nickola to make easier the transition between switched and unswitched outlets.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Nickola, and United States Patent 4,672,232 ("Schoen").

A combination of Platzer and Nickola yields a switched outlet module with current limitation, but is controlled solely by solid-state devices, using no microelectronics. Schoen discloses a microprocessor operated timing controller coupled between an AC wall outlet (Figures 1 and 2, 20) and an electrical appliance plug (30). The controller includes a microprocessor (80), a power supply (140), and resistive elements in the switch (52, 54, 56, 58 in Figure 2). The current through the switch is limited (column 6, lines 6-20), and multiple voltage dividers may be found in the sensing path between the microprocessor and the electrical appliance plug (i.e., resistors 58 and 70 or resistors 69 and 141). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide microprocessor control in the combination of Platzer and Nickola to incorporate timing management so that light fixtures are not enabled during sunlight hours.

Claims 6 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Platzer, Nickola, Schoen, and United States Patent 6,528,902 ("Barton").

A combination of Platzer, Nickola, and Schoen yields a switched outlet module with current limitation and microprocessor control. The sensor of Schoen determines whether a lamp is on, off, or not in the circuit (column 3, line 57 to column 4, line 16), but does not provide AC zero-voltage crossing detection. Barton discloses a power distribution device that uses a zero crossing detector to assist with the turn-on current surge. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the surge protection functionality of Barton in the combination of Platzer, Nickola, and Schoen to help prevent over-current conditions when the switched jack is turned on.

Claim 7 rejected as above with respect to claims 1, 2, and 4.

Art Unit: 2836

Claim 8 rejected as above with respect to claims 1, 2, 3, and 4.

Claim 10 rejected as above with respect to claims 1, 2, 4, and 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

United States Patent 4,578,593 (Davidov)

United States Patent 5,574,319 (Bennett)

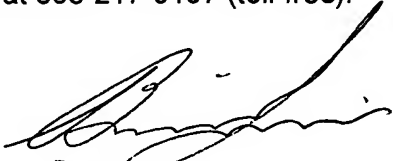
The above patents concern electrical outlets with multiple points of switching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Deschere whose telephone number is (571) 272-8391. The examiner can normally be reached on M-F 8:30-6:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD


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